IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2766 OF 2003
IN
SUIT NO.696 OF 1990

Tanuja Dattatrey Giri ..Plaintiff.

Vs.

Kamal Dattatrey Giri & Ors. ..Defendants.

Mr.Vijendra S. Jabra i/b.M/s.Pillai & Co. for the Plaintiff.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 1ST DECEMBER, 2005

P.C. :

Considering the earlier orders passed by this Court and considering the fact that the Defendants have remained absent and not even filed the affidavit in reply, I see no reason to reject the averments in the affidavit in support.

2. The Plaintiff has a 16.66% share in the estate of her deceased father. She is looking after her mother. Defendant No.1 claimed to be the second wife of the deceased. The Plaintiff has sought the release of the payment of Rs.20,000/- from out of the amount of Rs.3,00,000/- lying with the Court Receiver.

3. The request is eminently reasonable. Even the enhancement sought of the monthly payment from Rs.1500/- to Rs.3000/- is reasonable.

4. In the cirucmstances, the Notice of Motion is made absolute in terms of prayers (a) and (b).

5. Notice of Motion is made returnable after six weeks.